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TO RUEHC/SECSTATE WASHDC IMMEDIATE 1035
INFO RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
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RUEHBJ/AMEMBASSY BEIJING 2526
RHEFDIA/DIA WASHDC
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RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUEHGV/USMISSION GENEVA 0912
RUEHVEN/USMISSION USOSCE 2920
RUCNDT/USMISSION USUN NEW YORK 2305
RUEHNO/USMISSION USNATO BRUSSELS BE
RUEHBS/USEU BRUSSELS
RUEHLMC/MILLENNIUM CHALLENGE CORP
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL

C O N F I D E N T I A L SECTION 01 OF 02 BISHKEK 000504

SIPDIS

DEPT FOR SCA/CEN (GEHRENBECK)

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KG](#)

SUBJECT: KYRGYZ RETURN ASYLUM SEEKER TO UZBEKISTAN

BISHKEK 00000504 001.2 OF 002

Classified By: CDA Lee Litzenberger, reasons 1.4 (b) and (d).

¶1. (C) Summary: UNHCR confirmed that Kyrgyz authorities extradited Erkin Halikov, an Uzbek citizen, back to Uzbekistan on May 14 at the request of the Uzbek government. Halikov, who was in prison in Kyrgyzstan, had sought asylum seeker status, but Kyrgyz officials refused to register him, saying that they did not register convicts. Despite private appeals from UNHCR and a public appeal from Human Rights Watch, Kyrgyz officials allowed Uzbek authorities to remove Halikov from the Osh prison facility. UNHCR vows to protest these actions privately with the Kyrgyz government but may refrain from public statements for fear of causing further problems for Halikov.

HALIKOV ARRESTED AND TRIED

¶2. (C) On May 16, PolOff met with Vitaly Maslousky, Protection Officer at the United Nations High Commissioner for Refugees (UNHCR), regarding the arrest, conviction, and extradition of Uzbek citizen Erkin Halikov. Maslousky said that the UNHCR lawyers met with Kyrgyz officials and with Halikov in the southern city of Osh on April 26 to discuss his case. Halikov confirmed that he illegally crossed into Jalalabad, Kyrgyzstan in early August 2007 and by August 21, 2007 was arrested and held in pre-trial detention, together with another Uzbek, Jamalidin Abdumajitov, and three Kyrgyz citizens. On March 6, 2008 a Jalalabad city court found Halikov guilty of crossing the border illegally and failing to report a crime and sentenced him to four years in prison. Abdumajitov was convicted of numerous charges, to include attempted murder and extremist activity.

UZBEKS PUT THE SQUEEZE ON KYRGYZ OFFICIALS TO EXTRADITE

¶3. (C) Maslousky said that the Uzbek prosecutor general requested that Halikov be extradited on two separate occasions, just three weeks after his arrest and then again after Halikov was convicted. Maslousky added that UNHCR's

sources told him that the request was based on a case related to religious extremism and attempts to disrupt constitutional order; however, Kyrgyz authorities had refused to share the actual extradition requests with UNHCR, despite numerous appeals by a UNHCR lawyer. One government source told UNHCR that Halikov's only known connection with religious extremism came from the fact that he once had lunch with Abdumajitov.

14. (C) Maslousky said that by April 18, the Kyrgyz prosecutor general's office had agreed to send Halikov back to Uzbekistan to serve his sentence out in an Uzbek prison. A prosecutor later told UNHCR that this was a part of the "normal cooperation" between the two countries, even though they are unable to convince the Uzbeks to reciprocate with Kyrgyz citizens arrested in Uzbekistan. The prosecutor claimed that the Kyrgyz government would have "problems with bilateral relations" if it did not agree to extradite the prisoner.

HALIKOV DISAPPEARS INTO NIGHT WITH UZBEK AUTHORITIES

15. (C) Maslousky said that Halikov failed to apply for asylum before being extradited back to Uzbekistan. Halikov told UNHCR lawyers that he initially refrained from applying for asylum due to fears it might cause more problems with the Uzbeks. Halikov later applied to the Kyrgyz State Committee for Migration and Employment (SCME) for registration, a necessary first step toward asylum status. However, the Osh office of the SCME denied his application, later explaining to UNHCR that they refuse to register convicts. On May 12, Uzbek authorities arrived at the prison in Osh where Halikov was being held and requested his release into their custody.

BISHKEK 00000504 002.2 OF 002

The Uzbeks encountered vehicle problems and were unable to take Halikov at that time. Fearing the inevitable, on May 13, UNHCR sent a letter to the SCME requesting that Halikov be registered, allowing the asylum case to proceed. Maslousky said that the UN special rapporteur also sent a letter to the Kyrgyz Ministry of Foreign Affairs asking that the Kyrgyz government refuse Uzbekistan's request for extradition of Halikov. Finally, on May 14, Halikov was extradited back to Uzbekistan. No further information on his whereabouts is known.

UNHCR'S HANDS TIED

16. (C) Maslousky said that UNHCR was left with few options to assist Halikov. He said that a senior officer from Geneva plans a visit to Kyrgyzstan shortly and will protest the extradition. He doubts that UNHCR will go public with the protest for fear of creating additional problems for Halikov. He also planned to contact the International Committee of the Red Cross in Tashkent and request that they try to check up on Halikov, if possible.

COMMENT

17. (C) Despite the private appeals from UNHCR to the Kyrgyz government and an open appeal from Human Rights Watch on May 13, Kyrgyz officials went ahead and allowed Halikov's return to Uzbekistan. Kyrgyz officials told UNHCR that this was a matter of "normal cooperation" between the countries for Halikov to serve the remainder of his sentence in an Uzbek prison; however, Uzbek officials were interested in Halikov long before he was convicted in Kyrgyzstan. Maslousky commented that the Uzbek authorities had been quick to request that Halikov be returned and adamant that the Kyrgyz follow through with the extradition, but he knew little about Halikov's past history that might explain why. As this case indicates, protecting the rights of Uzbek asylum seekers will continue to be an uphill struggle in Kyrgyzstan.

LITZENBERGER